REMARKS

This amendment is offered in response to the Office Action of May 15, 2003.

The Applicant has amended the specification to include the various appropriate headings, along with an Abstract of the Disclosure.

The Office Action rejected Claims 1, 6 and 10-11 under 35 U.S.C. §102(b) as anticipated by the Haugerud reference (U.S. Patent No. 4,712,184). Similarly, the Office Action rejected Claims 2-5 and 7-9 under 35 U.S.C. §103(a) as obvious over the Haugerud reference in view of the Chainani reference (U.S. Patent No. 5,724,074).

The Haugerud reference discloses a microcomputer connected to a robotic toy. It appears that the only example given in the Haugerud reference of the microcomputer is the "Commodore 64 computer" which is a unit of a size comparable to the size of the robotic toy itself. The microcomputer in the Haugerud reference is connected to the robotic toy by means of a cable.

The Office action states that Haugerud "discloses a microprocessor controlled toy building element *comprising* a microprocessor". It appears that the Office Action considers the microprocessor and the robotic toy in the Haugerud reference as one unit, being a "microprocessor controlled toy building element" equivalent of the toy building element of the claims of the present application.

Furthermore, it is respectfully submitted that the present claims are patentable over the Haugerud reference in that the Haugerud reference does not disclose the transmission of programs from one unit to another unit. Moreover, the transmission of subprogram calls to a second unit has not been disclosed or suggested by the Haugerud reference.

With respect to the obviousness rejection of the presently pending claims, the Applicant respectfully submits that in order to achieve the claimed invention, the toy building element must

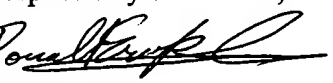
comprise a microprocessor and the invention must include "communications means which can transmit said function calls to a second toy building element for programming of it". However, as the dimensions of the robotic toy in the Haugerud reference are smaller than the dimensions of the microcomputer, the integration of the microcomputer into a toy building element is not at all obvious. Similarly, there is nothing in the Haugerud or Chainani which would suggest the transmission between separate toy units. For instance, if one child would like to acquire a more sophisticated program from another child (that is, communicate the program from one toy unit to another toy unit), there is nothing in the cited references which would provide this capability.

As Haugerud does not address the sharing of programs between construction toys, the concept of providing a more efficient transmission of programs by the transmission of subprograms calls is neither disclosed or suggested.

Claims 12-33 have been added herein. Independent Claims 12 and 23 are both narrower than Claim 1, and are therefore patentable for all the reasons given above.

For all of the reasons above, it is respectfully submitted that all of the presently pending claims are in immediate condition for allowance. The Examiner is respectfully requested to withdraw the rejections of the claims, to allow the claims, and to pass this application to early issue.

Respectfully submitted,



Gerald Levy
Registration No. 24,419

Ronald E. Brown
Registration No. 32,200

Pitney, Hardin, Kipp & Szuch, LLP
685 Third Avenue
New York, New York 10017
212-297-5800